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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/801,195
Filing Date: March 16, 2004
Appellant(s): ARMSTRONG ET AL.

Aaron M Peters
(Reg. No. 48,801)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 04 April 2011 appealing from the Office action mailed 2 July 2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1, 2, 4, 5, 7-10, 15, 17, 19, 22-25, 27, 28, 30-34, 36, 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0077711 A1 (hereinafter Nixon) in view of U.S. Patent No. 7,363,588 B2 (hereinafter Saleh).

Claim 19, 22 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nixon in view of Saleh in further view of U.S. Patent Publication No. 2004/0230897 A1 (hereinafter Latzel).

Claims 3, 16, 18, 29, 35 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nixon in view of Saleh in further view of U.S. Patent No. 6,889,096 B2 (hereinafter Spriggs).

Claims 6, 11-14, 20, 21, 37-40 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nixon in view of Saleh in further view of U.S. Patent Publication No. 2003/0149608 A1 (hereinafter Kall).

Claims 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nixon in view of Saleh in further view of Latzel.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

2002/0077711 A1	Nixon et al.	2-1999
2003/0149608 A1	Kall et al.	2—2002
2004/0230897 A1	Latzel	9-1992
6,889,096 B2	Spriggs et al.	2-2000
7,363,588 B2	Saleh et al.	11-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Examiner's Note: The rejection is repeated herein as set forth in the Final Office Action mailed on 2 July 2010 but has been modified to further provide clarification with respect to Appellant's arguments presented in the Appeal Brief filed 04 April 2011.

Claims 1, 2, 4, 5, 7-10, 15, 17, 19, 22-25, 27, 28, 30-34, 36, 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0077711 (hereinafter Nixon) in view of U.S. Patent No. 7,363,588 (hereinafter Saleh).

As per claim 1, Nixon teaches a remote data viewing system for use in a process plant having a plurality of data source applications, each of which collects or generates entity data pertaining to one or more different entities within the process plant, the remote data viewing system comprising:

a primary data collection platform (pg. 5, par. [0040]; i.e. XML) **configured to collect (as opposed to actually collecting)** the entity data pertaining to the one or more different entities within the process plant from the data source applications (pg. 5, par. [0040]; i.e. each data originator),

a database (Fig. 2, element 102) **configured to store (as opposed to actually storing)** the entity data pertaining to the one or more different entities within the process plant collected by the primary data collection platform (pg. 5, par. [0041], pg. 8, par. [0054] and 13, par. [0082]);

a web server (i.e. XML data server) coupled to the primary data collection platform (pg. 5, par. [0040]) and **configured to provide (as opposed to actually providing)** remote access to the entity data stored in the database at one or more remote platforms (pg. 12, par. [0076] and pg. 13, par. [0083]); and

a display application (pg. 6, par. [0042] and [0043]; i.e. user display applications of Fig. 2, element 50) stored on a computer readable memory (pg. 20, par. [0124]) and **configured to execute (as opposed to actually executing)** on a processor within one of the one or more remote platforms to create a display for the entity data (pg. 6, par. [0043], pg. 12, par. [0075] and pg. 20, par. [0124]), the display including a navigational tree (pg. 14, par. [0088], pg. 15, par. [0095] and Fig. 5; i.e. a set or series of hierarchical displays) having a plurality of sections specifying different categories of entity data (pgs. 14-15, par. [0092]) in the database (pg. 14, par. [0094] and pg. 20, par. [0126]) and a display view (Fig. 5A and 5B), wherein the display application enables a user to select the different ones of the sections of the navigational tree to specify different entity data to be displayed and presents the entity data associated with a selected section (i.e. a user selecting and clicking on any of the particular information (e.g. the nature of the process control system such as the area, loops, devices controller routines performance monitoring applications, etc within a plant) presented in a set or series of hierarchical displays) of the navigational tree (i.e. a set or series of hierarchical displays) in the display view (pgs. 14-15, par. [0088], [0092] and [0094] and pg. 20, par. [0126] and [0127]; i.e. a set or series of hierarchical displays is

displayed in a manner of a higher level displays) in a predetermined viewing format (i.e. a user selecting and clicking on any of the particular information presented in a set or series of hierarchical displays of disparate data sources which is presented in a common manner/consistent format).

Nixon discloses a system substantially the same but does not expressly teach wherein two or more of the plurality of data source applications each presents the entity data in different visual user interface display formats (pg. 5, par. [0040] and pg. 11, par. [0069]; i.e. each of the different schemas from each data originator); and wherein the predetermined viewing format is a common visual user interface display format for presenting entity data associated with each of the plurality of sections specifying the different entity data to be displayed in a same visual user interface format without presenting a same type of entity data in multiple different visual user interface display formats (pg. 11, par. [0069] and pg. 15, par. [0095] and par. [0096]).

Saleh teaches wherein two or more of the plurality of data source applications (col. 2, lines 22-25 and Fig. 3, element 22 and 24; e.g. accounting, purchasing, order processing, payroll, time-entry, engineering change order system, etc) each presents the data in different visual user interface display formats (col. 3, lines 7-12 and col. 5, lines 8-12 and 45-48; i.e. a plurality of information resources having different predetermined graphical user display interface formats); and wherein a predetermined viewing format is a common visual user interface display format (col. 2, lines 32-34 and

col. 5, lines 16-22; i.e. a predetermined common graphical user display interface format) for presenting entity data associated with each of the plurality of sections (Fig. 2, element 28, 32, 34, 36, 38, 40 42, and 44) specifying the different data (col. 3, lines 6-12; i.e. control features) to be displayed in a same visual user interface format (Fig. 3, element 150 and 152) without presenting a same type of entity data in multiple different visual user interface display formats (col. 2, lines 64-67 and col. 3, lines 1-5; i.e. a translation program functions to receive information from the plurality of data source applications and map the information into the common format).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of Appellant's invention to modify the teaching of Nixon to include wherein two or more of the plurality of data source applications each presents the data in different visual user interface display formats; and wherein the predetermined viewing format is a common visual user interface display format for presenting entity data associated with each of the plurality of sections specifying the different data to be displayed in a same visual user interface format without presenting a same type of entity data in multiple different visual user interface display formats to provide users with less difficulty in operating, as well as need for training in the operation in a range of different applications (col. 2, lines 53-57).

As per claim 2, Nixon teaches as set forth above the predetermined viewing format organizes the entity data based on device tags (i.e. indexes) associated with the

entity data (pg. 7, par. [0048], pg. 11, par. [0068], pg. 15, par. [0096] and [0098], pg. 20, par. [0126] and [0127] and Fig. 5A and 5B).

As per claim 4, Nixon teaches as set forth above the predetermined viewing format includes a display of configuration data (i.e. the interconnections of process control equipment) associated with the device tags (pg. 20, par. [0126]).

As per claim 5, Nixon teaches as set forth above the predetermined viewing format includes a display of calibration data (pg. 7, par. [0052]) associated with the device tags (pg. 20, par. [0126]).

As per claim 7, Nixon teaches as set forth above the navigational tree includes a section specifying one or more plant locations (Fig. 5A, element "Area 1" and "Area 2") associated with the entity data within the process plant (pg. 6, par. [0044], pg. 14, par. [0088], pg. 15, par. [0096] and pg. 20, par. [0126]).

As per claim 8, Nixon teaches as set forth above the navigational tree includes a section specifying one or more physical networks (Fig. 5A, element "Area 1" and "Area 2") associated with the entity data within the process plant (pg. 6, par. [0044], pg. 14, par. [0088], pg. 15, par. [0096], pg. 20, par. [0126]).

As per claim 9, Nixon teaches as set forth above the navigational tree includes a section specifying alerts (Fig. 5) associated with the entity data within the process plant (pg. 7, par. [0052], pg. 14, par. [0088], and pg. 15, element [0096]).

As per claim 10, Nixon teaches as set forth above the navigational tree includes a section specifying calibration entities (pg. 7, par. [0052]) associated with the entity data within the process plant (pg. 20, par. [0126]).

As per claim 15, Nixon teaches as set forth above the navigational tree includes a section specifying user defined favorite data associated with the entity data within the process plant (pg. 7, par. [0048]).

As per claim 17, Nixon teaches as set forth above the navigational tree includes a section specifying device tags (i.e. indexes) associated with the entity data within the process plant (pg. 7, par. [0048], pg. 11, par. [0068], pg. 15, par. [0096] and [0098], pg. 20, par. [0126] and [0127] and Fig. 5A and 5B).

As per claim 19, Nixon teaches as set forth above the web server includes a first application that acquires the entity data from the primary data collection platform as XML data (pg. 13, par. [0083]) and includes a second application that places the XML

data into a web page (pg. 20, par. [0125]) using the predefined viewing format (pg. 13, par. [0084]).

If, however the prior art is interpreted differently by a third party, the base reference and secondary reference teach "the web server includes a first application that acquires the entity data from the primary data collection platform as XML data and includes a second application that places the XML data into a web page using the predefined viewing format" as follows:

Claim 19 is rejected under 35 U.S.C. 103(a) as obvious over Nixon in view of Saleh or, in the alternative, under 35 U.S.C. 103(a) as obvious over Nixon in view of Saleh in further view of U.S. Patent Publication No. 2004/0230897 (hereinafter Latzel).

As per claim 19, Nixon teaches to the web server substantially the same as claimed but does not expressly the web server includes a first application that acquires the entity data from the primary data collection platform as XML data and includes a second application that places the XML data into a web page using the predefined viewing format.

Saleh does not expressly teach the web server includes a first application that acquires the entity data from the primary data collection platform as XML data and includes a second application that places the XML data into a web page using the predefined viewing format.

Latzel teaches to the web server includes a first application that acquires the entity data from the primary data collection platform as XML data and includes a second application that places the XML data into a web page using the predefined viewing format (pg. 3, par. [0043]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Nixon in view of Saleh to include a web server that includes a first application that acquires the entity data from the primary data collection platform as XML data and includes a second application that places the XML data into a web page using the predefined viewing format to conveniently edit and generate web sites, and provide simplified automated editing of web sites, requiring less technical expertise (pg. 1, par. [0006]).

As per claim 22, Nixon teaches as set forth above the web server includes an application that acquires event data from the primary data collection platform in response to a request from one of the remote platforms (pg. 13, par. [0083] and pg. 20, par. [0125]), places the acquired event data into a web page (pg. 20, par. [0125]) using the predetermined viewing format and sends the web page to the one of the remote platforms (pg. 13, par. [0084]).

If, however the prior art is interpreted differently by a third party, the base reference and secondary reference teach "the web server includes an application that

acquires event data from the primary data collection platform in response to a request from one of the remote platforms, places the acquired event data into a web page using the predetermined viewing format and sends the web page to the one of the remote platforms” as follows:

Claim 22 is rejected under 35 U.S.C. 103(a) as obvious over Nixon in view of Saleh or, in the alternative, under 35 U.S.C. 103(a) as obvious over Nixon in view of Saleh in further view of Latzel.

As per claim 22, Nixon teaches the web server substantially the same as claimed but does not expressly teach the web server includes an application that acquires event data from the primary data collection platform in response to a request from one of the remote platforms, places the acquired event data into a web page using the predetermined viewing format and sends the web page to the one of the remote platforms.

Saleh does not expressly teach the web server includes an application that acquires event data from the primary data collection platform in response to a request from one of the remote platforms, places the acquired event data into a web page using the predetermined viewing format and sends the web page to the one of the remote platforms.

Latzel teaches the web server includes an application that acquires event data from the primary data collection platform in response to a request from one of the remote platforms, places the acquired event data into a web page using the predetermined viewing format and sends the web page to the one of the remote platforms (pg. 3, par. [0043]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Nixon in view of Saleh to include the web server includes an application that acquires event data from the primary data collection platform in response to a request from one of the remote platforms, places the acquired event data into a web page using the predetermined viewing format and sends the web page to the one of the remote platforms to conveniently edit and generate web sites, and provide simplified automated editing of web sites, requiring less technical expertise (pg. 1, par. [0006]).

As per claim 23, Nixon teaches as set forth above the navigational tree includes multiple sections (pgs. 14-15, par. [0088] and [0092]; e.g. Fig. 5, element "Areas"), wherein each of the multiple sections specifies a different category of entity data (pgs. 14-15, par. [0092]; e.g. Fig. 5, element "Units") and wherein each of the multiple sections includes one or more associated predetermined viewing formats (pg. 11, par. [0069]) used to view the entity data when selected by a user (pg. 15, par. [0094] and pg. 20, par. [0125]-[0127]).

As per claim 24, Nixon teaches a method of viewing entity data generated in a process plant having a plurality of data source applications, each of which collects or generates entity data pertaining to one or more different entities within the process plant, the method comprising:

collecting the entity data pertaining to the one or more entities within the process plant at a primary data collection platform (pg. 5, par. [0040]; i.e. XML) from the plurality of data source applications (pg. 5, par. [0040]; i.e. each data originator);

storing the collected entity data in a database associated with the primary data collection platform (pg. 5, par. [0041], pg. 8, par. [0054] and pg. 13, par. [0082]);

accessing the database (pg. 5, par. [0040]; i.e. via XML data server) from a remote site geographically separated from the primary data collection platform to obtain at least a portion of the entity data stored in the database (pg. 12, par. [0076] and pg. 13, par. [0083]);

displaying (pg. 6, par. [0042] and [0043]; i.e. via user display applications of Fig. 2, element 50) a navigational tree (pg. 14, par. [0088], pg. 15, par. [0095] and Fig. 5; i.e. a set or series of hierarchical displays) at the remote site (pg. 6, par. [0043], pg. 12, par. [0075] and pg. 20, par. [0124]), the navigational tree including a plurality of sections specifying categories of the entity data (pgs. 14-15, par. [0092]; i.e. a set or series of hierarchical displays of particular information (e.g. the nature of the process control system such as the area, loops, devices controller routines performance

monitoring applications, etc within a plant)) in the database (pg. 14, par. [0094] and pg. 20, par. [0126]); and

displaying a display view (Fig. 5A and 5B) at the remote site in conjunction with the navigational tree (pg. 15, par. [0095] and Fig. 5; i.e. a set or series of hierarchical displays), wherein the display view presents entity data (e.g. the nature of the process control system such as the area, loops, devices controller routines performance monitoring applications, etc within a plant) in a predetermined display format (i.e. a user selecting and clicking on any of the particular information presented in a set or series of hierarchical displays of disparate data sources which is presented in a common manner/consistent format) in response to a selection of one of the sections of the navigational tree (pgs. 14-15, par. [0092] and [0094] and pg. 20, par. [0126] and [0127]; i.e. a user selecting and clicking on any of the particular information (e.g. the nature of the process control system such as the area, loops, devices controller routines performance monitoring applications, etc within a plant) presented in a set or series of hierarchical displays).

Nixon discloses a system substantially the same but does not expressly teach wherein two or more of the plurality of data source applications each presents the entity data in different visual user interface display formats (pg. 5, par. [0040] and pg. 11, par. [0069]; i.e. each of the different schemas from each data originator); and wherein the predetermined viewing format is a common visual user interface display format for presenting entity data associated with each of the plurality of sections

specifying different entity data to be displayed in a same visual user interface format without presenting a same type of entity data in multiple different visual user interface display format (pg. 11, par. [0069] and pg. 15, par. [0095] and par. [0096]).

Saleh teaches wherein two or more of the plurality of data source applications (col. 2, lines 22-25 and Fig. 3, element 22 and 24; e.g. accounting, purchasing, order processing, payroll, time-entry, engineering change order system, etc) each presents the data in different visual user interface display formats (col. 3, lines 7-12 and col. 5, lines 8-12 and 45-48; i.e. a plurality of information resources having different predetermined graphical user display interface formats); and wherein the predetermined viewing format is a common visual user interface display format (col. 2, lines 32-34 and col. 5, lines 16-22; i.e. a predetermined common graphical user display interface format) for presenting entity data associated with each of the plurality of sections (Fig. 2, element 28, 32, 34, 36, 38, 40 42, and 44) specifying different data (col. 3, lines 6-12; i.e. control features) to be displayed in a same visual user interface format without presenting a same type of entity data in multiple different visual user interface display format (col. 2, lines 64-67 and col. 3, lines 1-5; i.e. a translation program functions to receive information from the plurality of data source applications and map the information into the common format).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Nixon to include wherein two

or more of the plurality of data source applications each presents the data in different visual user interface display formats; and wherein the predetermined viewing format is a common visual user interface display format for presenting data associated with each of the plurality of sections specifying different entity data to be displayed in a same visual user interface format without presenting a same type of entity data in multiple different visual user interface display format to provide users with less difficulty in operating, as well as need for training in the operation in a range of different applications (col. 2, lines 53-57).

As per claim 25, Nixon teaches as set forth above accessing the database includes using a web server (i.e. XML data server) located at a second site geographically separated from the remote site (pg. 5, par. [0040]) to access the entity data stored in the database (pg. 12, par. [0076] and pg. 13, par. [0083]), placing the accessed entity data into a web page in the predetermined viewing format (pg. 13, par. [0084]) at the web server and sending the web page to the remote site (pg. 5, par. [0040] and pg. 20, par. [0125]).

As per claim 27, Nixon teaches as set forth above displaying the navigational tree includes displaying a first section of the navigational tree that organizes the entity data based on one or more plant locations (Fig. 5A, element "Area 1" and "Area 2") within

the process plant (pg. 6, par. [0044], pg. 14, par. [0088], pg. 15, par. [0096] and pg. 20, par. [0126]).

As per claim 28, Nixon teaches as set forth above displaying the display view at the remote site includes presenting entity data in a predetermined viewing format that organizes the entity data based on device tags (pg. 7, par. [0048] and Fig. 5A and 5B; i.e. indexes) in response to a selection of a section of the navigational tree (pgs. 14-15, par. [0088], [0092] and [0094] and pg. 20, par. [0126] and [0127]).

As per claim 30, Nixon teaches as set forth above the entity data includes configuration data (i.e. the interconnections of process control equipment) associated with the device tags (pg. 20, par. [0126]).

As per claim 31, Nixon teaches as set forth above the entity data includes calibration data (pg. 7, par. [0052]) associated with the device tags (pg. 20, par. [0126]).

As per claim 32, Nixon teaches as set forth above displaying the navigational tree includes displaying a first section of the navigational tree that organizes the entity data based on one or more physical networks (Fig. 5A, element "Area 1" and "Area 2")

associated with the process plant (pg. 6, par. [0044], pg. 15, par. [0088] and [0096], pg. 20, par. [0126]).

As per claim 33, Nixon teaches as set forth above displaying the navigational tree includes displaying a first section of the navigational tree that organizes the entity data based on alerts (Fig. 5) generated within the process plant (pg. 7, par. [0052], pg. 14, par. [0088], and pg. 15, element [0096]).

As per claim 34, Nixon teaches as set forth above displaying the navigational tree includes displaying a section associated with active alerts and wherein displaying the display view (Fig. 5) includes presenting active alert entity data in a predetermined viewing format (pgs. 7-8, par. [0053]) in response to a selection of the section (pgs. 14-15, par. [0092] and [0094] and pg. 20, par. [0126] and [0127]) associated with the active alerts (pg. 7, par. [0052] and pg. 15, element [0096]).

As per claim 36, Nixon teaches as set forth above displaying the navigational tree includes displaying a first section of the navigational tree that organizes the entity data based on calibration events (pg. 7, par. [0052]) within the process plant (pg. 20, par. [0126]).

As per claim 42, Nixon teaches as set forth above displaying the navigational tree includes displaying a first section of the navigational tree associated with entity data organized by device tags (pg. 7, par. [0048], pg. 11, par. [0068], pg. 15, par. [0096] and [0098], pg. 20, par. [0126] and [0127] and Fig. 5A and 5B; i.e. indexes).

As per claim 43, Nixon teaches as set forth above displaying the first section of the navigational tree includes one or more sub-sections (pg. 7, par. [0048] and pgs. 14-15, par. [0092]; e.g. Fig. 5, element "Areas") associated with device tags (i.e. indexes) organized by one or more of all devices, assigned devices, spare devices and decommissioned devices (pg. 11, par. [0068], pg. 15, par. [0096] and [0098] and pg. 20, par. [0126] and [0127]).

Claims 3, 16, 18, 29, 35 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nixon in view of Saleh in further view of U.S. Patent No. 6,889,096 (hereinafter Spriggs).

As per claim 3, Nixon teaches a viewing format includes a display of audit trail data (pg. 22, par. [0138]).

Nixon does not expressly teach the predetermined viewing format includes a display of audit trail data associated with the device tags.

Saleh does not expressly teach the predetermined viewing format includes a display of audit trail data associated with the device tags.

Spriggs teaches to a display of audit trail data (col. 2, lines 52-59, col. 11, lines 47-57, col. 12, lines 20-22, col. 16, lines 52-55 and col. 33, lines 60-65) associated with the device tags (col. 33, lines 39-41).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Nixon to include a display of audit trail data associated with the device tags to provide an unified display environment enabling the user to view the enterprise as a whole and navigate to a specific point or parameter quickly and easily (col. 3, lines 49-56).

As per claim 16, Nixon teaches to audit trail events associated with the entity data within the process plant (pg. 22, par. [0138]).

Nixon does not expressly teach the navigational tree includes a section specifying audit trail events associated with the entity data within the process plant.

Saleh does not expressly teach the navigational tree includes a section specifying audit trail events associated with the entity data within the process plant.

Spriggs teaches the navigational tree includes a section specifying audit trail events (col. 2, lines 52-59, col. 11, lines 47-57, col. 12, lines 20-22, col. 16, lines 52-55

and col. 33, lines 60-65) associated with the entity data within the process plant (col. 26, lines 45-57).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Nixon to include the navigational tree includes a section specifying audit trail events associated with the entity data within the process plant to provide an unified display environment enabling the user to view the enterprise as a whole and navigate to a specific point or parameter quickly and easily (col. 3, lines 49-56).

As per claim 18, Nixon does not expressly teach including an alert polling application which polls one or more devices within the process plant for alert information and which sends the alert information to the remote platform for presentation via the predetermined viewing format (pgs. 19-20, par. [0122]).

Saleh does not expressly teach including an alert polling application which polls one or more devices within the process plant for alert information and which sends the alert information to the remote platform for presentation via the predetermined viewing format.

Spriggs teaches an alert polling application which polls one or more devices within the process plant for alert information (col. 12, lines 26-30) and which sends the

alert information to the remote platform for presentation via the predetermined viewing format (col. 12, lines 30-34).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Nixon in view of Saleh to include teaches an alert polling application which polls one or more devices within the process plant for alert information and which sends the alert information to the remote platform for presentation via the predetermined viewing format to provide an unified display environment enabling the user to view the enterprise as a whole and navigate to a specific point or parameter quickly and easily (col. 3, lines 49-56).

As per claim 29, Nixon teaches the entity data includes audit trail data (pg. 22, par. [0138]).

Nixon does not expressly teach the entity data includes audit trail data associated with the device tags.

Saleh does not expressly teach the entity data includes audit trail data associated with the device tags.

Spriggs teach the entity data includes audit trail data (col. 2, lines 52-59, col. 11, lines 47-57, col. 12, lines 20-22, col. 16, lines 52-55 and col. 33, lines 60-65) associated with the device tags (col. 33, lines 39-41).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Nixon to include the entity data includes audit trail data associated with the device tags to provide an unified display environment enabling the user to view the enterprise as a whole and navigate to a specific point or parameter quickly and easily (col. 3, lines 49-56).

As per claim 35, Nixon nor Saleh expressly teach displaying the navigational tree includes displaying a first section associated with polling for alerts generated within the process plant, further including initiating an alert polling application that polls for alerts within the process plant in response to a selection of the first section of the navigational, tree and wherein displaying the display view includes presenting alert data obtained by the alert polling application in a predetermined viewing format in response to the selection of the first section of the navigational tree.

Spriggs teaches displaying the navigational tree includes displaying a first section associated with polling for alerts generated within the process plant (col. 12, lines 26-30), further including initiating an alert polling application that polls for alerts within the process plant in response to a selection of the first section of the navigational tree (col. 13, lines 61-67 and 1-8) and wherein displaying the display view includes presenting alert data obtained by the alert polling application in a predetermined viewing format in response to the selection of the first section of the navigational tree (col. 13, lines 54-60).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Nixon in view of Saleh to include displaying the navigational tree includes displaying a first section associated with polling for alerts generated within the process plant, further including initiating an alert polling application that polls for alerts within the process plant in response to a selection of the first section of the navigational, tree and wherein displaying the display view includes presenting alert data obtained by the alert polling application in a predetermined viewing format in response to the selection of the first section of the navigational tree to provide an unified display environment enabling the user to view the enterprise as a whole and navigate to a specific point or parameter quickly and easily (col. 3, lines 49-56).

As per claim 41, Nixon teaches displaying audit trail entity data (pg. 22, par. [0138]).

Nixon does not expressly teach the navigational tree includes displaying a first section of the navigational tree associated with audit trail entity data.

Saleh does not expressly teach the navigational tree includes displaying a first section of the navigational tree associated with audit trail entity data.

Spriggs teaches the navigational tree includes displaying a first section of the navigational tree (col. 5, lines 10-26, col. 8, lines 64-67 and col. 9, lines 1-2) associated

with audit trail entity data (col. 2, lines 52-59, col. 11, lines 47-57, col. 12, lines 20-22, col. 16, lines 52-55 and col. 33, lines 60-65).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Nixon to the navigational tree includes displaying a first section of the navigational tree associated with audit trail entity data to provide an unified display environment enabling the user to view the enterprise as a whole and navigate to a specific point or parameter quickly and easily (col. 3, lines 49-56).

Claims 6, 11-14, 20, 21, 37-40 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nixon in view of Saleh in further view of U.S. Patent Publication No. 2003/0149608 (hereinafter Kall).

As per claim 6, neither Nixon nor Saleh expressly teach the calibration data includes a result of at least one calibration procedure.

Kall teaches the calibration data includes a result of at least one calibration procedure (pg. 9, par. [0165] and Fig. 32).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Nixon in view of Saleh to include calibration data that includes a result of at least one calibration procedure to

synchronize and coordinate activities across multiple manufacturing sites (pg. 1, par. [0003]).

As per claim 11, neither Nixon nor Saleh expressly teach the calibration entities include at least one calibration route defined within the process plant.

Kall teaches the calibration entities include at least one calibration route defined within the process plant (pg. 9, par. [0165] and Fig. 32).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Nixon in view of Saleh to include the calibration entities include at least one calibration route defined within the process plant to synchronize and coordinate activities across multiple manufacturing sites (pg. 1, par. [0003]).

As per claim 12, neither Nixon nor Saleh expressly teach the calibration entities include calibration schedule information for at least one device within the process plant.

Kall teaches to calibration schedule information for at least one device within the process plant (pg. 9, par. [0165] and Fig. 32).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time of applicant's invention to modify the teaching of Nixon in view of Saleh to include calibration schedule information for at least one device within the process plant to synchronize and coordinate activities across multiple manufacturing sites (pg. 1, par. [0003]).

As per claim 13, neither Nixon nor Saleh expressly teach the predetermined viewing format includes a search engine that enables searching for calibration schedule data based on a priority of a calibration procedure.

Kall teaches to a search engine that enables searching for calibration schedule data based on a priority of a calibration procedure (pg. 9, par. [0165]-[0166], Fig. 32 and Fig. 33, i.e. automatic sort).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Nixon in view of Saleh to include a search engine that enables searching for calibration schedule data based on a priority of a calibration procedure to synchronize and coordinate activities across multiple manufacturing sites (pg. 1, par. [0003]).

As per claim 14, neither Nixon nor Saleh expressly teach the predetermined viewing format includes a search engine enabling searching for calibration schedule data based on a time or date associated with a calibration procedure.

Kall teaches to a search engine enabling searching for calibration schedule data based on a time or date associated with a calibration procedure (pg. 9, par. [0165]-[0166], Fig. 32 and Fig. 33, i.e. automatic sort).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Nixon in view of Saleh to include a search engine enabling searching for calibration schedule data based on a time or date associated with a calibration procedure to synchronize and coordinate activities across multiple manufacturing sites (pg. 1, par. [0003]).

As per claim 20, neither Nixon nor Saleh expressly teach a search engine that searches entity data in the database and presents the entity data located in the search according to the predetermined viewing format.

Kall teaches to a search engine that searches entity data in the database and presents the entity data located in the search according to the predetermined viewing format (pg. 9, par. [0165]-[0166], Fig. 32 and Fig. 33, i.e. automatic sort).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Nixon in view of Saleh to include a search engine that searches entity data in the database and presents the entity data located in the search according to the predetermined viewing format to

synchronize and coordinate activities across multiple manufacturing sites (pg. 1, par. [0003]).

As per claim 21, neither Nixon nor Saleh expressly teach the search engine includes a display field having search fields specifying parameters associated with the entity data.

Kall teaches to a search engine includes a display field having search fields specifying parameters associated with the entity data (pg. 9, par. [0165]-[0166], Fig. 32 and Fig. 33, i.e. automatic sort).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Nixon in view of Saleh to include a search engine includes a display field having search fields specifying parameters associated with the entity data to synchronize and coordinate activities across multiple manufacturing sites (pg. 1, par. [0003]).

As per claim 37, neither Nixon nor Saleh expressly teach the calibration events include at least one calibration route defined within the process plant.

Kall teaches the calibration events include at least one calibration route defined within the process plant (pg. 9, par. [0165] and Fig. 32).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Nixon in view of Saleh to include the calibration events include at least one calibration route defined within the process plant to synchronize and coordinate activities across multiple manufacturing sites (pg. 1, par. [0003]).

As per claim 38, neither Nixon nor Saleh expressly teach the calibration events include at least one calibration schedule defined within the process plant.

Kall teaches the calibration events include at least one calibration schedule defined within the process plant (pg. 9, par. [0165] and Fig. 32).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Nixon in view of Saleh to include the calibration events include at least one calibration schedule defined within the process plant to synchronize and coordinate activities across multiple manufacturing sites (pg. 1, par. [0003]).

As per claim 39, neither Nixon nor Saleh expressly teach displaying the display view includes providing a search engine enabling searching for calibration schedule data based on a priority of a calibration procedure.

Kall teaches a search engine enabling searching for calibration schedule data based on a priority of a calibration procedure (pg. 9, par. [0165]-[0166], Fig. 32 and Fig. 33, i.e. automatic sort).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Nixon in view of Saleh to include a search engine enabling searching for calibration schedule data based on a priority of a calibration procedure to synchronize and coordinate activities across multiple manufacturing sites (pg. 1, par. [0003]).

As per claim 40, Nixon nor Saleh expressly teach displaying the display view includes providing a search engine enabling searching for calibration schedule data based on a time or a date associated with a calibration procedure.

Kall teaches to a search engine enabling searching for calibration schedule data based on a time or a date associated with a calibration procedure (pg. 9, par. [0165]-[0166], Fig. 32 and Fig. 33, i.e. automatic sort).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Nixon in view of Saleh to include a search engine enabling searching for calibration schedule data based on a time or a date associated with a calibration procedure to synchronize and coordinate activities across multiple manufacturing sites (pg. 1, par. [0003]).

As per claim 44, Nixon teaches the remote site to enable a user at the remote site (pg. 5, par. [0039] and Fig. 1, element 40) to access to the entity data in the database (pg. 5, par. [0041], pg. 13, par. [0082], pg. 8, par. [0088] and Fig. 2, element 102) and to present (pg. 7, par. [0048]) the entity data according to the predetermined viewing format (pg. 7, par. [0048], pg. 11, par. [0069] and pg. 15, par. [0095] and [0096]).

Nixon does not expressly teach to a search engine view.

Saleh does not expressly teach to a search engine view.

Kall teaches to a search engine view (pg. 9, par. [0165]-[0166], Fig. 32 and Fig. 33).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Nixon to include a search engine view to synchronize and coordinate activities across multiple manufacturing sites (pg. 1, par. [0003]).

Claims 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nixon in view of Saleh in further view of Latzel.

As per claim 26, neither Nixon nor Saleh expressly teach the second site is geographically separated from the primary data collection platform.

Latzel teaches to a second site is geographically separated from the primary data collection platform (pg. 4, par. [0051]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Nixon in further view Saleh to include a second site that is geographically separated from the primary data collection platform to conveniently edit and generate web sites, and provide simplified automated editing of web sites, requiring less technical expertise (pg. 1, par. [0006]).

(10) Response to Argument

A. The Rejection Of Claims 1, 2, 4, 5, 7-10, 15, 17, 19, 22-25, 27, 28, 30-34, 36, 42 and 43 Under 35 U.S.C. § 103(a) As Unpatentable Over Nixon et al. in view of Saleh et al. Is Not Proper

1. A Prima Facie Case Of Obviousness Of Claim 1 Has Not Been Made.

A. With respect to Appellant's argument, the prior art fails to disclose "a display application that enables a user to select different sections of a navigational tree to specify different entity data to be displayed and presents the entity data associated with a selected section of the navigational tree in a display view in a predetermined viewing format, where the predetermined viewing format is a common visual user interface display format for presenting entity data associated with each of the plurality of sections specifying the different entity data to be displayed in a same visual user

interface format without presenting a same type of entity data in multiple different visual user interface display formats.” (see Appeal Brief, pg. 10, paragraph 1) The Examiner respectfully disagrees.

The Examiner recognizes the Appellant is arguing against the references of U.S. Patent Publication No. 2002/0077711 (hereinafter Nixon) and U.S. Patent No. 7,363,588 (hereinafter Saleh) individually, wherein one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Furthermore, the Examiner asserts the prior art of Nixon was relied upon for teaching displaying entity data associated with a selected section of the navigational tree in a predetermined viewing format; and Saleh teaching where the predetermined viewing format is a common visual user interface display format for presenting entity data associated with each of the plurality of sections specifying the different entity data to be displayed in a same visual user interface format without presenting a same type of entity data in multiple different visual user interface display formats.

Nixon teaches “FIG. 5 illustrates an example display 350 generated by an explorer-type navigation tool which may be used to store, organize and access the data collected by the data collection and distribution system 102 as stored in the configuration database 322. The **display or hierarchy 350 includes numerous different sections which can be used for different purposes.** However, the hierarchy 350 represents an organization of, illustrates an overview of and provides access to the

data or other elements available to the system. Thus, the hierarchy 350 is used to represent the data stored in the configuration database as well as to manipulate that data so as to change the configuration of the system in some manner. As can be seen, the example hierarchy of FIG. 4 includes a number of different sections including a "library" section, a "control strategies" section and a "network" section, each of which can be used for different purposes or to represent different data or different organizations of the data stored in or available to the configuration database." (pg. 14, par. [0088])

"Referring now to the control strategies portion of the hierarchy 350, the control strategies are organized by, for example, geographical areas such as Area 1, Area2, etc. Each area may be broken down into different units such as Unit1, Unit2, etc. Still further, each unit then can have numerous modules associated therewith. These modules may be any modules, such as modules developed within the process control network in the consistent format or modules associated with disparate data sources. These modules are generally used to configure how different applications operate in conjunction with each other and communicate with each other. This functionality will be described in more detail with respect to FIG. 6." (pgs. 14-15, par. [0092])

"Generally speaking, the configuration database is designed to store and allow manipulation of the modules illustrated in the control strategies sections. Other elements, either hardware or software elements, may be represented by a single module or by a combination of interconnected modules. Thus, when a user is manipulating the icons within the display 350, that user is actually manipulating modules within the configuration database or other databases or memories in which these modules are located." (pg. 15, par. [0094])

In one embodiment, similar to FIG. 5 above, the GUI may perform or present **a set or series of hierarchical displays in which more basic or common information about the nature of the process control system (such as the areas, loops, devices, controller routines performance monitoring applications, etc. within the plant)** is displayed in some manner in a higher level display. Then, in a series of subsequent lower level displays, which may be accessed by selecting and clicking on any of the particular information within the higher level display, may provide further information about the control routines, the maintenance routines, the interconnections of process control equipment, as well as actual performance measurements, process control routine

activity such as alarms, problems, etc., performance measurements such as performance recommendations, predictions, etc. and maintenance information such as problems occurring within the plant etc. Other lower-level displays may then provide further information about elements in those displays. In general, such a hierarchical display provides more information about particular areas, loops, etc. and the problems associated therewith from the standpoint of process control activities, maintenance activities as well as process performance activities as the user drills down or go into lower levels in the display." (pg. 20, par. [0126])

"Generally speaking, the GUI described herein provides intuitive graphical depictions or displays of process control areas, units, loops, devices, etc. Each of these graphical displays may include numerical status and performance indexes (some or all of which may be generated by the index generator routine described above) that are associated with a particular view being displayed by the GUI. For example, a display depicting a process control area may provide a set of indexes reflecting the status and performance of that area (i.e., a particular portion of the process control system at a particular level of the equipment hierarchy). On the other hand, a display depicting a loop may provide a set of status and performance indexes associated with that particular loop. In any event, a user may use the indexes shown within any view, page or display to quickly assess whether a problem exists within any of the devices, loops, etc. depicted within that display." (pg. 20, par. [0127])

Saleh teaches "In effect, the proxy server 18 functions as a graphical user interface (GUI) provided under **a predetermined format** substantially controlled by an employer of the users 12, 14." (col. 2, lines 32-34)

"converting in the proxy server information delivered from the selected information resource to the user from the respective **predetermined graphical user display interface format of the selected information resource to the predetermined common graphical user display format** substantially controlled by the employer of the user; and" (col. 5, lines 16-22)

In summary, Nixon teaches to a user selecting and clicking on any of the particular information (e.g. the nature of the process control system such as the area, loops, devices controller routines performance monitoring applications, etc within a plant) presented in a set or series of hierarchical displays of disparate data sources displayed in a common manner/consistent format. Saleh teaches to a common visual interface display format for presenting entity data associated with a plurality of sections. Hence, the combination of Nixon and Saleh under 35 U.S.C. 103(a) teaches to Appellant's claimed limitation, "display application that enables a user to select different sections of a navigational tree to specify different entity data to be displayed and presents the entity data associated with a selected section of the navigational tree in a display view in a predetermined viewing format, where the predetermined viewing format is a common visual user interface display format for presenting entity data associated with each of the plurality of sections specifying the different entity data to be displayed in a same visual user interface format without presenting a same type of entity data in multiple different visual user interface display formats."

B. With respect to Appellant's argument, "it becomes incumbent upon the Examiner to provide a reference that discloses a common visual user interface display format for presenting entity data associated with each of the plurality of sections, **where the selected sections presented in a predetermined viewing format are part of the recited navigational tree**, or to provide a rationale as to why one of

ordinary skill would modify the references in such a manner. In this instance, the Examiner has not done so." (see Appeal Brief, pg. 12, paragraph 1) The Examiner respectfully disagrees.

Nixon teaches "FIG. 5 illustrates an example display 350 generated by an explorer-type navigation tool which may be used to store, organize and access the data collected by the data collection and distribution system 102 as stored in the configuration database 322. The **display or hierarchy 350 includes numerous different sections which can be used for different purposes.** However, the hierarchy 350 represents an organization of, illustrates an overview of and provides access to the data or other elements available to the system. Thus, the hierarchy 350 is used to represent the data stored in the configuration database as well as to manipulate that data so as to change the configuration of the system in some manner. As can be seen, the example hierarchy of FIG. 4 includes a number of different sections including a "library" section, a "control strategies" section and a "network" section, each of which can be used for different purposes or to represent different data or different organizations of the data stored in or available to the configuration database." (pg. 14, par. [0088])

"Referring now to the control strategies portion of the hierarchy 350, the control strategies are organized by, for example, geographical areas such as Area 1, Area2, etc. Each area may be broken down into different units such as Unit1, Unit2, etc. Still further, each unit then can have numerous modules associated therewith. These modules may be any modules, such as modules developed within the process control network in the consistent format or modules associated with disparate data sources. These modules are generally used to configure how different applications operate in conjunction with each other and communicate with each other. This functionality will be described in more detail with respect to FIG. 6." (pgs. 14-15, par. [0092])

"Generally speaking, the configuration database is designed to store and allow manipulation of the modules illustrated in the control strategies sections. Other elements, either hardware or software elements, may be represented by a single module or by a combination of interconnected modules. Thus, when a user is manipulating the icons within the display 350, that user is actually manipulating modules within the configuration

database or other databases or memories in which these modules are located." (pg. 15, par. [0094])

In one embodiment, similar to FIG. 5 above, the GUI may perform or present **a set or series of hierarchical displays in which more basic or common information about the nature of the process control system (such as the areas, loops, devices, controller routines performance monitoring applications, etc. within the plant)** is displayed in some manner in a higher level display. Then, in a series of subsequent lower level displays, which may be accessed by selecting and clicking on any of the particular information within the higher level display, may provide further information about the control routines, the maintenance routines, the interconnections of process control equipment, as well as actual performance measurements, process control routine activity such as alarms, problems, etc., performance measurements such as performance recommendations, predictions, etc. and maintenance information such as problems occurring within the plant etc. Other lower-level displays may then provide further information about elements in those displays. In general, such a hierarchical display provides more information about particular areas, loops, etc. and the problems associated therewith from the standpoint of process control activities, maintenance activities as well as process performance activities as the user drills down or go into lower levels in the display." (pg. 20, par. [0126])

"Generally speaking, the GUI described herein provides intuitive graphical depictions or displays of process control areas, units, loops, devices, etc. Each of these graphical displays may include numerical status and performance indexes (some or all of which may be generated by the index generator routine described above) that are associated with a particular view being displayed by the GUI. For example, a display depicting a process control area may provide a set of indexes reflecting the status and performance of that area (i.e., a particular portion of the process control system at a particular level of the equipment hierarchy). On the other hand, a display depicting a loop may provide a set of status and performance indexes associated with that particular loop. In any event, a user may use the indexes shown within any view, page or display to quickly assess whether a problem exists within any of the devices, loops, etc. depicted within that display." (pg. 20, par. [0127])

Saleh teaches "In effect, the proxy server 18 functions as a graphical user interface (GUI) provided under **a predetermined format** substantially controlled by an employer of the users 12, 14." (col. 2, lines 32-34)

"converting in the proxy server information delivered from the selected information resource to the user from the respective **predetermined graphical user display interface format of the selected information resource to the predetermined common graphical user display format** substantially controlled by the employer of the user; and" (col. 5, lines 16-22)

In summary, Nixon teaches to a user selecting and clicking on any of the particular information (e.g. the nature of the process control system such as the area, loops, devices controller routines performance monitoring applications, etc within a plant) presented in a set or series of hierarchical displays of disparate data sources which is displayed in a common manner/consistent format. Saleh teaches to a common visual interface display format for presenting entity data associated with a plurality of sections. Hence, the combination of Nixon and Saleh under 35 U.S.C. 103(a) teaches to Appellant's claimed limitation, "display application that enables a user to select different sections of a navigational tree to specify different entity data to be displayed and presents the entity data associated with a selected section of the navigational tree in a display view in a predetermined viewing format, where the predetermined viewing format is a common visual user interface display format for presenting entity data associated with each of the plurality of sections specifying the different entity data to be displayed in a same visual user interface format without presenting a same type of entity data in multiple different visual user interface display formats."

In response to Appellant's argument that there is no teaching, suggestion, or motivation to combine the references, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case, Saleh teaches to providing a common visual in the user interface format to provide users with less difficulty in operating, as well as, need for training operation in a range of different applications (col. 2, lines 53-57) .

2. A Prima Facie Case Of Obviousness Of Claims 2, 4, 5, 7-10, 15, 17, 19, 22 and 23 Has Not Been Made.

A. In regards to Appellant's arguments, "It is respectfully submitted that Claims 2, 4, 5, 7-10, 15, 17, 19, 22 and 23 are not rendered unpatentable over Nixon et al. in view of Saleh et al. for at least the same reasons as set forth above for Claim 1." (see Appeal Brief, pg. 17, paragraph 4), the Examiner refers to the above response, pgs. 36-40, paragraph "1. *A Prima Facie Case Of Obviousness Of Claim 1 Has Not Been Made.*" of this Appeal Brief, and the argument herein as addressed.

3. A Prima Facie Case Of Obviousness Of Claim 24 Has Not Been Made.

A. In regards to Appellant's arguments, "It is respectfully submitted that claim 24 is not anticipated for the same reasons as set forth above for claim 1." (see Appeal Brief, pg. 17, paragraph 5 – pg. 18, paragraph 1), the Examiner refers to the above response, pgs. 36-40, paragraph "1. *A Prima Facie Case Of Obviousness Of Claim 1 Has Not Been Made.*" of this Appeal Brief, and the argument herein as addressed.

4. A Prima Facie Case Of Obviousness Of Claims 25, 27, 28, 30-34, 36, 42 and 43 Has Not Been Made.

A. In regards to Appellant's arguments, "Claims 25, 27, 28, 30-34, 36, 42 and 43 depend from Claim 24, and therefore include all the elements of Claim 24. It is respectfully submitted that Claims 25, 27, 28, 30-34, 36, 42 and 43 are not rendered unpatentable over Nixon et al. in view of Saleh et al. for at least the same reasons as set forth above for Claim 20." (see Appeal Brief, pg. 18, paragraph 3), the Examiner refers to the above response, pgs. 36-40, paragraph "1. *A Prima Facie Case Of Obviousness Of Claim 1 Has Not Been Made.*" of this Appeal Brief, and the argument herein as addressed.

B. The Rejection Of Claim 19, 22 and 26 Under 35 U.S.C. § 103(a) As

Obvious Over Nixon et al. and Saleh et al. in further view of Latzel Is Not Proper

1. A Prima Facie Case Of Obviousness Of Claims 19 and 22 Has Not Been Made.

A. In regards to Appellant's arguments, "Claims 19 and 22 depend from Claim 1, and therefore include all the elements of Claim 1. As discussed above with respect to Claim 1, the final Office Action failed to establish that the combination of Nixon et al. and Saleh et al. discloses all of the recited elements. Accordingly, it is respectfully submitted that Claims 19 and 22 are not obvious." (see Appeal Brief, pg. 19, paragraph 2), the Examiner refers to the above response, pgs. 36-40, paragraph "1. *A Prima Facie Case Of Obviousness Of Claim 1 Has Not Been Made.*" of this Appeal Brief, and the argument herein as addressed.

2. A Prima Facie Case Of Obviousness Of Claim 26 Has Not Been Made.

A. In regards to Appellant's arguments, "Claim 26 depends from Claim 24, and therefore include all the elements of Claim 24. As discussed above with respect to Claim 24, the final Office Action failed to establish that the combination of Nixon et al. and Saleh et al. discloses all of the recited elements. Accordingly, it is respectfully submitted that Claim 26 is not obvious." (see Appeal Brief, pg. 19, paragraph 6 – pg. 20, paragraph 1), the Examiner refers to the above response, pgs. 36-40, paragraph "1. *A*

Prima Facie Case Of Obviousness Of Claim 1 Has Not Been Made." of this Appeal Brief, and the argument herein as addressed.

C. The Rejection Of Claims 3, 16, 18, 29, 35, and 41 Under 35 U.S.C. § 103(a) As Obvious Over Nixon et al. and Saleh et al. in further view of Spriggs et al. Is Not Proper

1. A Prima Facie Case Of Obviousness Of Claims 3, 16 and 18 Has Not Been Made.

A. In regards to Appellant's arguments, "Claims 3, 16 and 18 depend from Claim 1, and therefore include all the elements of Claim 1. As discussed above with respect to Claim 1, the final Office Action failed to establish that the combination of Nixon et al. and Saleh et al. discloses all of the recited elements. Accordingly, it is respectfully submitted that Claims 3, 16 and 18 are not obvious." (see Appeal Brief, pg. 20, paragraph 7 – pg. 21, paragraph 1), the Examiner refers to the above response, pgs. 36-40, paragraph "1. *A Prima Facie Case Of Obviousness Of Claim 1 Has Not Been Made.*" of this Appeal Brief, and the argument herein as addressed.

2. A Prima Facie Case Of Obviousness Of Claims 29, 35 and 41 Has Not Been Made.

A. In regards to Appellant's arguments, "Claims 29, 35 and 41 depend from

Claim 24, and therefore include all the elements of Claim 24. As discussed above with respect to Claim 24, the final Office Action failed to establish that the combination of Nixon et al. and Saleh et al. discloses all of the recited elements. Accordingly, it is respectfully submitted that Claims 29, 35 and 41 are not obvious.” (see Appeal Brief, pg. 21, paragraph 5), the Examiner refers to the above response, pgs. 36-40, paragraph “1. *A Prima Facie Case Of Obviousness Of Claim 1 Has Not Been Made.*” of this Appeal Brief, and the argument herein as addressed.

D. The Rejection Of Claims 6, 11-14, 20, 21, 37-40 and 44 Under 35 U.S.C. § 103(a) As Obvious Over Nixon et al. and Saleh et al. in further view of Kall et al. Is Not Proper

1. A Prima Facie Case Of Obviousness Of Claims 6, 11-14, 20 and 21 Has Not Been Made.

A. In regards to Appellant's arguments, “Claims 6, 11-14, 20 and 21 depend from Claim 1, and therefore include all the elements of Claim 1. As discussed above with respect to Claim 1, the final Office Action failed to establish that the combination of Nixon et al. and Saleh et al. discloses all of the recited elements. Accordingly, it is respectfully submitted that Claims 6, 11-14, 20 and 21 are not obvious.” (see Appeal Brief, pg. 22, paragraph 5), the Examiner refers to the above response, pgs. 36-40,

paragraph "1. *A Prima Facie Case Of Obviousness Of Claim 1 Has Not Been Made.*" of this Appeal Brief, and the argument herein as addressed.

2. A Prima Facie Case Of Obviousness Of Claims 37-40 and 44 Has Not Been Made.

A. In regards to Appellant's arguments, "Claims 37-40 and 44 depend from Claim 24, and therefore include all the elements of claim 24. As discussed above with respect to Claim 24, the final Office Action failed to establish that the combination of Nixon et al. and Saleh et al. discloses all of the recited elements. Accordingly, it is respectfully submitted that Claims 37-40 and 44 are not obvious." (see Appeal Brief, pg. 23, paragraph 2), the Examiner refers to the above response, pgs. 36-40, paragraph "1. *A Prima Facie Case Of Obviousness Of Claim 1 Has Not Been Made.*" of this Appeal Brief, and the argument herein as addressed.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Jennifer L. Norton/

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Conferees:

/ALBERT DECADY/

Supervisory Patent Examiner, Art Unit 2121

/Kakali Chaki/

Supervisory Patent Examiner, Art Unit 2122